

signed by a parent or guardian, the signature reading “(name of child) by (name of parent or guardian).”

(2) If an adult is physically unable to sign or make a mark, a guardian or the Service employee conducting the interview will sign the photographs as provided in paragraph (c)(1) of this section.

(d) The photographs must be signed when submitted with an application if the instructions accompanying the application so require. If signature is not required by the instructions, the photographs are to be submitted without being signed and shall be signed at such later time during the processing of the application as may be appropriate.

[56 FR 50495, Oct. 7, 1991]

§ 333.2 Attachment of photographs to documents.

A signed photograph of the applicant must be securely and permanently attached to each certificate of naturalization or citizenship, to each original and duplicate declaration of intention issued by the Service, and to each replacement copy of a declaration of intention, certificate of naturalization, or certificate of citizenship issued by the Service. If a seal is affixed to the document, the imprint of a part of the seal must extend over the lower portion of the photograph in such a manner as not to obscure the features of the applicant.

[56 FR 50495, Oct. 7, 1991]

PART 334—APPLICATION FOR NATURALIZATION

Sec.

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334.17 Transfer of petition for naturalization.

334.18 Withdrawal of petition and failure to prosecute.

AUTHORITY: 8 U.S.C. 1103, 1443.

§ 334.1 Filing of application for naturalization.

Any person who is an applicant under sections 316, 319, 322, 324, 325, 327, 328, 329, or 330 of the Act and the corresponding parts of this chapter, may apply for naturalization in accordance with the procedures prescribed in this chapter at the Service office indicated in the appropriate part of this chapter.

[56 FR 50496, Oct. 7, 1991]

§ 334.2 Application for naturalization.

(a) An applicant may file an application for naturalization by filing a completed Form N-400 signed in the applicant's own handwriting, if physically able to do so, and by including any other documents required by parts 316, 319, 322, 324, 325, 327, 328, 329, and 330 of this chapter, as appropriate. An application prepared for a person physically unable to write shall be signed by the preparer, in the space marked “Preparer's signature.” The applicant shall include the fee as required in § 103.7 of chapter B of this title, and a photocopy of the applicant's Alien Registration Card (Form I-551).

(b) An application for naturalization may be filed up to 90 days prior to the completion of the required period of residence, which may include the three-month period of residence required to establish jurisdiction under section 316(a) or 319(a) of the Act.

[56 FR 50496, Oct. 7, 1991, as amended at 59 FR 48780, Sept. 20, 1993]

§ 334.3 [Reserved]

§ 334.4 Investigation and report if applicant is sick or disabled.

Whenever it appears that an applicant for naturalization may be unable, because of sickness or other disability, to appear for the initial examination on the application or for any subsequent interview, the district director shall cause an investigation to be conducted to determine the circumstances surrounding the sickness or disability. The district director shall determine, based on available medical evidence,

whether the sickness or disability is of a nature which so incapacitates the applicant as to prevent the applicant's appearance at a Service office having jurisdiction over the applicant's place of residence. If so, the district director shall designate another place where the applicant may appear for the requisite naturalization proceedings.

[58 FR 49913, Sept. 24, 1993]

§ 334.5 Amendment of application for naturalization; reopening proceedings.

(a) *Clerical amendments*—(1) *By applicant.* An applicant may request that the application for naturalization be amended either prior to or subsequent to the administration of the oath of allegiance.

(2) *By Service.* The Service may amend, at any time, an application for naturalization when in receipt of information that clearly indicates that a clerical error has occurred.

(3) *Amendment procedure.* Any amendment will be limited to the correction of clerical errors arising from oversight or omission. If the amendment is approved, the amended application shall be filed with the original application for naturalization.

(b) *Substantive amendments.* Any substantive amendments which affect the jurisdiction or the decision on the merits of the application will not be authorized. When the Service is in receipt of any information that would indicate that an application for naturalization should not have been granted on the merits, the Service may institute proceedings to reopen the application before admission to citizenship, or to revoke the naturalization of a person who has been admitted to citizenship, in accordance with section 340 of the Act and § 335.5 of this chapter.

[56 FR 50496, Oct. 7, 1991]

§§ 334.6—334.10 [Reserved]

§ 334.11 Declaration of intention.

(a) *Application.* Any person who is a lawful permanent resident over 18 years of age may file an application for a declaration of intention to become a citizen of the United States while present in the United States. Such application, with the requisite fee, shall

be filed on Form N-300 with the Service office having jurisdiction over the applicant's place of residence in the United States.

(b) *Approval.* If approved, the application for the declaration of intention, page 1 of Form N-300, shall be retained and filed in the applicant's Service file. The original of the declaration of intention, page 2 of Form N-300, shall be filed in chronological order in the official files of the Service office where the application was filed. The duplicate of the declaration of intention, page 3 of Form N-300, shall be delivered to the applicant.

(c) *Denial.* If an application is denied, the applicant shall be notified in writing of the reasons for denial. No appeal shall lie from this decision.

[58 FR 49913, Sept. 24, 1993]

§§ 334.12—334.15 [Reserved]

§ 334.16 Amendment of petition for naturalization.

(a) *During pendency of petition.* An application to amend a petition for naturalization, filed prior to October 1, 1991, while such petition is pending, shall be made by the petitioner on Form N-410, with copies thereof equal to the number of copies of the petition for naturalization, and presented to the court at the hearing on the petition for naturalization. The application shall be accompanied by the fee specified in § 103.7(b)(1) of this chapter, unless it was initiated by, and for the convenience of, the government. When the court orders the petition amended, the original order shall be filed with the original petition and the copies attached to the respective copies of the petition.

(b) *After final action on petition.* Whenever an application is made to the court to amend a petition for naturalization after final action thereon has been taken by the court, a copy of the application shall be served upon the district director having administrative jurisdiction over the territory in which the court is located, in the manner and within the time provided by the rules of court in which application is made. No objection shall be made to the amendment of a petition for naturalization after the petitioner